IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 27233 of 2007(P)

PETITIONER:

SAYYID HYDARALI SHIHAB THANGAL,SECRETARY,
JAMIA:NOORIYYA: ARABIC COLLEGE,
FAIZABAD, P.O., PATTIKKAD-679 325.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. THE SECRETARY,
CALICUT CORPORATION,CALICUT.

2. THE CALICUT MUNICIPAL CORPORATION
REPRESENTED BY ITS SECRETARY,CALICUT.

3. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

R1 & R2 BY SRI.P.V.KUNHIKRISHNAN, SC.
R3 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.27233 OF 2007

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DATED THIS THE 13TH SEPTEMBER, 2007

J U D G M E N T

The grievance of the petitioner is that though the Government under Ext.P2 order has given complete exemption to the petitioner's Organisation from property tax liability, the Corporation has issued Ext.P3 notice, completely ignoring Ext.P2.

2. Sri.P.V.Kunhikrishnan, Standing Counsel takes notice on behalf of the Corporation. He submitted that Ext.P4 is apparently pending before the Corporation and the Corporation will be ready to take a decision on Ext.P4.

3. Considering the rival submissions addressed before me, I am of the view that the petitioner's ground that Ext.P2 grants him complete exemption from property tax liability and that Ext.P2 is in force should be noticed by the Corporation. Since Ext.P4 is seen pending before the Corporation, I dispose of the Writ Petition directing the Corporation to take up Ext.P4, hear the petitioner, consider Ext.P4 and take a decision on the same, in the light of the grounds raised in the Writ Petition as well as the documents placed on record by the petitioner, particularly Ext.P2 G.O. Decision as directed above will be taken at the earliest and at any rate within two months of receiving

copy of this judgment. Till such time as decision is taken on Ext.P4, coercive action on the basis of Ext.P3 will be kept in abeyance by the Corporation.

(PIUS C.KURIAKOSE, JUDGE)

tgl